

ZB# 00-16

William Schwartz

12-1-44.1

Prelim.
Apr. 24, 2000.

~~Sept. 11, 2000.~~

Interp. / Interp. -

Public Hearing:
July 10, 2000.

Wanted
4-0

Interp. -
It is a one fam.
house

Refunded
\$185.00

#00-16 Schwartz, William

Use - 12-1-44.1

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Schwartz, Wm.

FILE# 00-16.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

paid ck # 1084.

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*paid ck # 1083
6/26/00*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *4/10/00-7* \$ 31.50
2ND PRELIMINARY- PER PAGE *7/15/00* \$ 13.50
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 45.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: *4/10/00* \$ 35.00
2ND PRELIM. *7/15/00* \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 115.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT . \$ 185.00

-----X

In the Matter of the Application of

WILLIAM SCHWARTZ

MEMORANDUM OF
DECISION INTERPRETING
SINGLE-FAMILY USE

#00-16.

-----X

WHEREAS, WILLIAM SCHWARTZ, 356 Union Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for an interpretation concerning single-family residence use with two kitchens in an R-4 zone at the above address; and

WHEREAS, a public hearing was held on the 10th day of July, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Ms. Ruth Miller appeared before the Board for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) This one-family home contains two kitchens.

(c) There are presently two electric meters outside the house. It is the Applicant's intention to wire the house so that there is one electric meter.

(d) The second kitchen in the house has been partially removed.

- (e) There are no closures or doors between the finished basement and the main floor. The finished basement contains a small bedroom but it is not designed to be and cannot be used as a separate rental unit.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. Under the circumstances of the use of this dwelling in the past and future, it appears that it is and always has been a one-family structure. It is not being operated as nor is it capable of being operated in the future as a two-family or two-dwelling unit structure.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT an Interpretation concerning the structure located at 356 Union Avenue; that it is a single-family structure in an R-4 zone.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 11, 2000.


Chairman

Date 7/17/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TOFrances Roth..... DR.
168 N. Drury Lane
.....Newburgh, N.Y. 12550.....

DATE			CLAIMED	ALLOWED
7/10/00	Zoning Board Mtg			75.00
	Mis. 1			
	Molina - 5			
	Ferguson - 3			
	Hecht - 9			
	Dunkin Donuts - 1			
	Moresco - 2			
	Schwartz - 3 \$13.50			
	Fox - 4			126.00
	<u>28</u>			<u>201.00</u>

PUBLIC HEARING:

SCHWARTZ, WILLIAM

MR. NUGENT: Request for interpretation concerning single-family residence with two kitchens in an R-4 zone at 356 Union Avenue. Let the record show there's no one here in the audience for the public hearing.

Ms. Ruth Miller appeared before the board for this proposal.

MR. NUGENT: You're on.

MS. MILLER: I'm Ruth Miller, I have the proxy. The reason for the request is when we purchased the house there was a number of violations which we tried to clear each one one at a time. This is one of them, there's a kitchen downstairs, the downstairs was set up like an apartment, they were using it that way prior. What we did is we took the wall out between the one big room in the kitchen and put a doorway in and also put a doorway leading to upstairs which they had closed up both things previously. Then our intent was to take the kitchen out, and we actually unhooked and got rid of the stove and refrigerator. The problem happened when we got a building inspector, not the building inspector, but the engineer told us it's approximately \$10,000 worth of drainage we have to put in. So what we did is in turn my son is disabled, so my mother-in-law needs to come up to take care of my son, we were going to rent her an apartment which is going to be totally impossible with the amount of money that we have to spend, the engineering estimate like I brought to the preliminary hearing was \$15,000 just for the three things that need to be done right away, which is the drainage system the windows when are actually broken and the work on the front of the house. There was bushes all in the way of the road the neighbors were complaining about which we had already done, pulled out. So right now, all we want is an interpretation, we're going to change over the two meters that are in the house to a one metered house to show we're not using it as a rental or anything like that. It's strictly for my mother-in-law's use. One

of the rooms downstairs is going to be used as part of our house which is a play room, all the rooms are finished. There's a finished bathroom, we did bring the building inspector in, he's the one who looked and told us what we'd need to do in order to make the windows bigger and so forth, so make the downstairs where each room would be, you know, within the proper codes. And so right now, that's where we are. We're left with that partial kitchen which you can't convert into a bedroom because when you walk into the house, there's an entranceway into the kitchen, there's a half wall between the kitchen and living room and one bedroom and bath downstairs which was there for somewhere in the vicinity of 15 years, I'm not sure how long, but when I looked at the, I went to get a C.O. and they showed when the last time somebody was there nobody was home, nobody home for 6 years and they finally had somebody come in and that's when they put the violation on so that's what we're trying to do. I know it's in an R-4 zone and from what I understood an interpretation would be what we need.

MR. NUGENT: My only comment on this whole thing would be as long as there's a relative living there, I see no problem with what you have.

MR. KANE: Also with the changeover to a one metered system in the home.

MR. TORLEY: And open doors.

MS. MILLER: We opened up everything.

MR. NUGENT: I see no problem with it at all, personally.

MR. KRIEGER: Can't be locked off into a separate unit?

MS. MILLER: No, well, it can't be now because we have steps going down and then there's a, it's actually open because we're using that big room as a playroom so that room is a playroom, the room next to it is a laundry and bath and that's all in the part of the house that, you know, she's only, there's only one small bedroom the size of a child's room, not that big because she

needs her own kitchen, she's very adamant about that.

MR. TORLEY: We're trying to establish that it is not being used as a separate rental unit.

MS. MILLER: No.

MR. KRIEGER: And could not be made easily into that.

MS. MILLER: No, that's why we're converting it from two meters, only thing that remains to be ripped out is converting the two meters to one which we need a C.O. for the work to be done so we have to have this first.

MR. KANE: With our understanding that it will be converted to a one meter system, I have no problem.

MR. TORLEY: Me either.

MR. NUGENT: Well, how many things did we send out with this?

MS. BABCOCK: There are 28 envelopes sent out.

MR. NUGENT: I'll accept a motion.

MR. MC DONALD: I move that we approve the request for the interpretation.

MR. TORLEY: Move that we interpret this structure as being one-family house as defined by the single meter.

MR. MC DONALD: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. NUGENT: You're granted, you're all set.

Date July 24, 2000, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Ruth C. Miller DR.
356 Union Avenue, New Windsor, N.Y. 12553

DATE

CLAIMED

ALLOWED

07/24/00

Refund of Escrow Deposit # 00-16

Approved: Patricia C. Corsetti
FBA

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 563-4611

RECEIPT
#483-2000

06/26/2000

Cecchetelli, R.

Received \$ 50.00 for Zoning Board Fees, on 06/26/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

R CECCHETELLI
RUTH E MILLER
356 UNION AVENUE
NEW WINDSOR, NY 12553

1083

1-108/210

Date

6/24/00

Pay to the
Order of

Town of New Windsor

\$ 300⁰⁰

Three hundred and no/100

Dollars

Security features
included.
Details on back.

HSBC



HSBC Bank USA Hopewell Jct, NY 12533

For

escrow rep. ZBA #00-16

Ruth Miller

⑆021001088⑆085816497⑆ 1083

© HARLAND

PRESTIGE

R CECCHETELLI
RUTH E MILLER
356 UNION AVENUE
NEW WINDSOR, NY 12553

1084

1-108/210

Date

6/24/00

Pay to the
Order of

Town of New Windsor

\$ 50⁰⁰

Fifty and no/100

Dollars

Security features
included.
Details on back.

HSBC



HSBC Bank USA Hopewell Jct, NY 12533

For

application ZBA #00-16

Ruth Miller

⑆021001088⑆085816497⑆ 1084

© HARLAND

PRESTIGE

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
April 24, 2000.
00-16.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: March 22, 2000

APPLICANT: ~~Vincent Pillitteri~~
356 Union Avenue
New Windsor, New York 12553

Ruth Miller
Schwartz, Wm. (owner)

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing 2nd apartment in finished basement.

LOCATED AT: 356 Union Avenue

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 12-1-44.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing finished basement converted to a 2nd apartment is not permitted in R-4 zone.

COPY


BUILDING INSPECTOR

PERMITTED Not

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: A-8

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

MAR 21 2000

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 155-2000

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises William R. Schwartz
356 UNION AVE NEW WINDSOR NY 12553
Address 211 W 56th St. 28B N.Y. N.Y. Phone 1212-489-0036

Mailing Address 211 W 56th St. 28B N.Y. N.Y.

Name of Architect _____

Address _____ Phone _____

Name of Contractor Self

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of Union ave
(N,S,E or W)
and _____ feet from the intersection of Rt 32 + Union

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N X

3. Tax Map Description: Section 12 Block 1 Lot 44.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Self + Family b. Intended use and occupancy Self + family

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☒ Repair ☐ Removal ☐ Demolition ☐ Other ☐
EXISTING FINISH DISPERMIT APT. - 2nd APT

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: 2 Number of dwelling units on each floor 1

Number of bedrooms 5 Baths 3 Toilets 3 Heating Plant: Gas _____ Oil ✓

Electric/Hot Air Electric Hot Water ✓ If Garage, number of cars —

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use NO

10. Estimated cost 8,000. Fee \$50.00

Receipt # 688

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

[Signature]
(Signature of Applicant)

356 UNION AVE NEW WINDSOR, NY
(Address of Applicant)

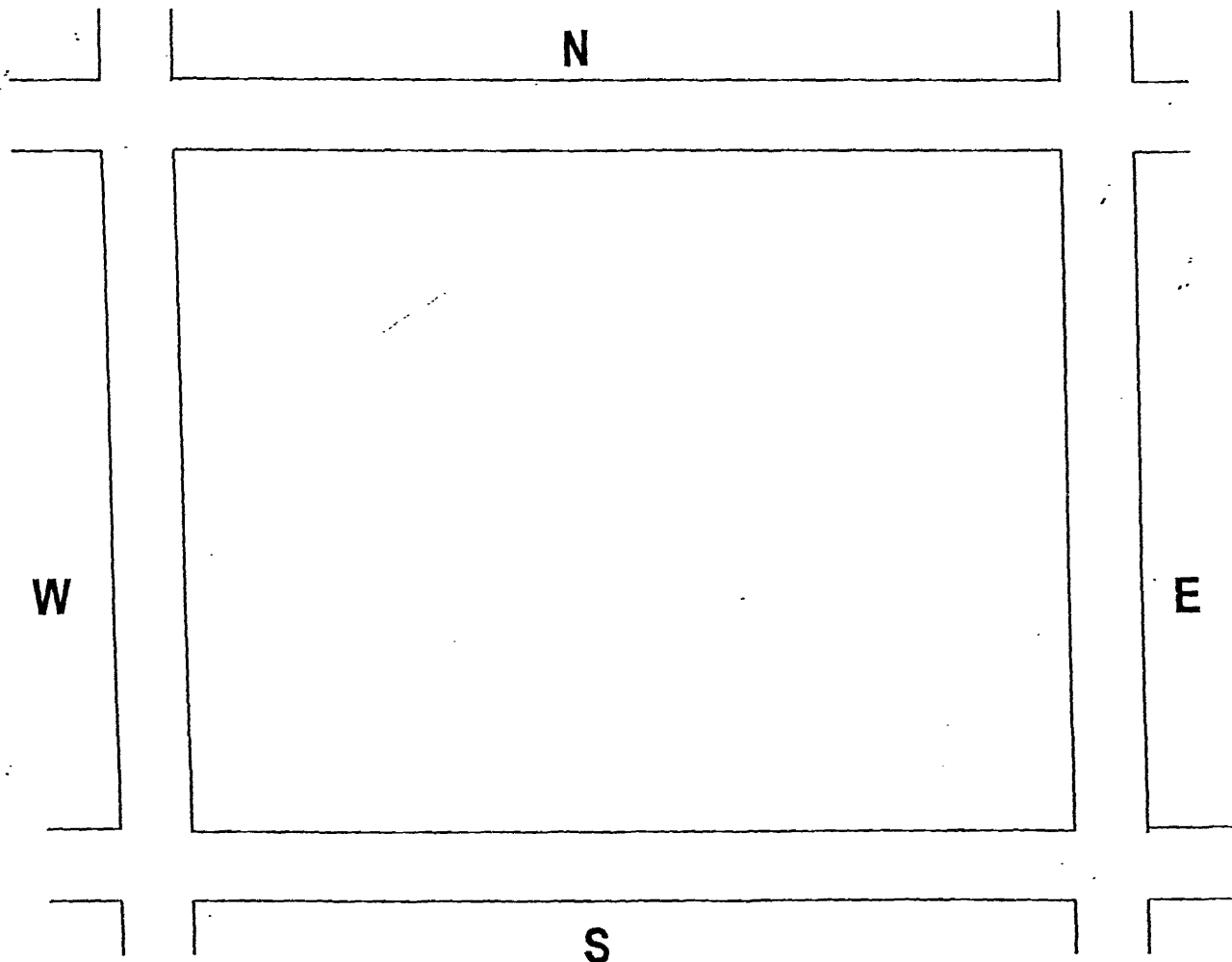
[Signature]
(Owner's Signature)

211 W 56th St DB NY NY
(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



[illegible]



1

2

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Richard Cecchetelli, for

Ruth Miller / Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#00-16 -

-----X
STATE OF NEW YORK)

) SS.:


COUNTY OF ORANGE)

Richard Cecchetelli

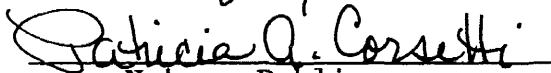
~~PATRICIA A. BARNHART~~, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at ~~7 Franklin Avenue~~, New Windsor, N. Y. 12553.
356 Union Avenue

On June 29, 2000, I compared the 28 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.


~~Patricia A. Barnhart~~

Sworn to before me this
6th day of July, 2000, ~~19~~.


Notary Public

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2001.

(TA DOCDISK#7-030586.AOS)

Pls. publish immediately. Send bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 16.

Request of Ruth Miller/Wm. Schwartz

for a VARIANCE of the Zoning Local Law to Permit:

Interpretation concerning single-family residence
w/ 2 Kitchens in an R-4 zone;

being a VARIANCE of Section 48-9-Table of Use/Bulk Regs. - Col. A

for property situated as follows:

356 Union Avenue, New Windsor, N.Y.

known and designated as tax map Section 12, Blk. 1 Lot 44.1

PUBLIC HEARING will take place on the 10th day of July, 2000, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

By: Patricia A. Corsetti, Secy.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

May 2, 2000

28

William Schwartz
356 Union Avenue
New Windsor, NY 12553

Re: 12-1-44.1

Dear Mr. Schwartz,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00

There is a balance due of \$20.00.

Sincerely,

L. Cook / led

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

Menorah Hill, Inc.
52 Yacht Club Drive, Apt 309
North Palm Beach, FL 33408

Josephine DiPaolo
32 Hillside Avenue
New Windsor, NY 12553

Jamie & Wilma Anzalone
27 Hillside Avenue
New Windsor, NY 12553

William & Jacqueline Rumsey
PO Box 4101
New Windsor, NY 12553

Angelina Talmadge
154 Windsor Highway
New Windsor, NY 12553

Bernard McCullom
31 Hillside Avenue
New Windsor, NY 12553

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Andrew & Catherine Moglia
14 Little Lane Road
Newburgh, NY 12550

John & Louise Baker
35 Hillside Avenue
New Windsor, NY 12553

Craig Saris
75A Lake Road, PO Box 109
Congers, NY 10920

Chris Doogan
48 Hillside Avenue
New Windsor, NY 12553

Anthony & Rose Damiano
39 Hillside Avenue
New Windsor, NY 12553

Ann Lease
366 Union Avenue
New Windsor, NY 12553

Aldo Aciego
44 Hillside Avenue
New Windsor, NY 12553

John & Ellen Antonelli
43 Hillside Avenue
New Windsor, NY 12553

Newburgh Enlarged City School District
124 Grand Avenue
Newburgh, NY 12550

Stephen DiCarlo as Executor for
Rose & Anthony DiCarlo
1 Sunny Slope Rancho
Santa Margarita, CA 92688

Harry, Janice & Mark Walters
364 Union Avenue
New Windsor, NY 12553

RPA Associates LLC
C/o AVR Realty Company
1 Executive Blvd.
Yonkers, NY 10701

Samuel & Kathryn Sorbello
36 Hillside Avenue
New Windsor, NY 12553

Frank & Barbara Antonelli
360 Union Avenue
New Windsor, NY 12553

Central Hudson Gas & Electric Corp.
284 South Avenue
Poughkeepsie, NY 12601

Kevin & Ellen Mann
24 Hillside Avenue
New Windsor, NY 12553

Jonle Enterprises, Inc.
354 Union Avenue
New Windsor, NY 12553

Frank & Rose Giordano
46 Hillside Avenue
New Windsor, NY 12553

Joseph & Carmela DeLeonardo
1647 Roland Avenue
Wantagh, NY 11793

Archie & Gloria Jean Antonelli
28 Hillside Avenue
New Windsor, NY 12553

Gino & Ella Cracolici
23 Hillside Avenue
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-16.

Date: 6/26/00.

I. ✓ Applicant Information:

- (a) Ruth Miller 356 Union Ave New Windsor, NY 12553 William Schwartz
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☐ Area Variance ☒ Interpretation

III. ✓ Property Information:

- (a) R-9. 356 Union Ave New Windsor, NY 12553 112.44' x 92.6' x 227' ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? —
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? JAN 2000
- (e) Has property been subdivided previously? —
- (f) Has property been subject of variance previously? NO
If so, when? —
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes____ No____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

✓ VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

When Property was purchased a violation was already against the property for having a kitchen in the basement of this one family home. We wanted to Rectify this violation as we did the others and take the kitchen out but when we had a thorough inspection done there was almost 6 thousand dollars worth of drainage needed. The removal of garbage was thousands of dollars + I will need to go back to work to help afford this. My Mother in Law was going to move closer to us to help with my disabled child and we were going to pay for her to live

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

there, but we cannot afford this → turn page over

(Kitchen),

Instead we would like to keep the basement, which is already finished and move over mother in law in downstairs where there is also a finished bedroom + bathroom. We will change the 2 electrical panels to 1 main panel as a way to show that this is a one family home. We intend to only use it as a one family home w/our mother in law to have her private space downstairs.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ~~PLANNING BOARD~~ ZBA.

William Schwartz, deposes and says that he resides
(OWNER)

at 211 West 56th St. in the County of _____
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 1 Block 12 Lot 44.1)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

Ruth Miller 356 Union Ave New Windsor N.Y. 12553
(Applicant Name & Address, if different from owner)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 6/10/00

[Signature]
Witness Signature

[Signature]
Owner's Signature

[Signature]
Applicant's Signature if different than owner

Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED
TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

Date 5/11/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
4/24/00	Zeping Board Mtg	75.00	
	Misc - 3		
	U.G.R. Assoc. - 7 #31.50		
	Defeo - 11		
	Schwenitz - 7 # 31.50		
	Execurosp/Finkelstein - 6		
	<u>34</u>	<u>153.00</u>	
		228.00	

SCHWARTZ, WILLIAM

Ms. Ruth Miller appeared before the board for this proposal.

MR. NUGENT: Request for existing second apartment in an R-4 neighborhood at 356 Union Avenue.

MS. MILLER: I'm here for my brother, I live in the house and my brother's the owner of the house but we have a separate contract between him and I, I'm going to put the money down for the house. The reason that I am requesting the variance is in two parts.

MR. NUGENT: Where is the house?

MS. MILLER: Union Avenue, 356, it's the second one up from Anthony's Deli on the right-hand side. Well, the first part is the fact that the entire downstairs was redone, it was redone obviously illegally and it has two bedrooms, a bathroom, a living room and a kitchen and the kitchen was fully set up with stove and refrigerator and so forth. When we purchased the house there was three illegal, I guess, I'm not even sure what you would call it, it's written on the building inspector's report as violations. So we had two of them removed prior to buying the house and he could not remove the other two, the house was getting ready to go into foreclosure so we had a time period to work in. The reason that I'm requesting a variance is to keep the kitchen in and the purpose for that kitchen is I have a son who's disabled and my mother-in-law is going to be the primary caretaker of my son, so that I can go back to work, he has a seizure disorder and he's one and a half years old. What we were going to do is rent here out a place up here and that rent was going to be in turn for her watching my son. But then we had an inspection done on the house and it's going to cost somewhere in the vicinity of \$30,000 or more to put in drainage and put in, I mean, the house has been let go for probably 30 years. Our neighbors are willing to help us with a lot of the things that have to happen outside, but even the drainage alone is going to cost somewhere in the vicinity of \$6,000. There's no driveway, so we have to put a driveway in, its just

some gravel and some railroad ties right now. We have decay, there's an entire deck on back of the house that's out of metal that's decaying and rotting which we're paying taxes on which has to come down and we're paying taxes on a two-family house right now so I'm not sure what it is that we have to actually request, if it's called a mother daughter or if it's called two family but we're not looking to rent the house, we're just looking to have my mother in there and she's, there's no way she's going to come and live in our house, there's not enough room upstairs unless we have a kitchen for her, there's no way she's going to stay there.

MR. KANE: There's separate gas and electric meters?

MS. MILLER: Yes, there is, everything's has been separated and that's what it's been used as, unfortunately, while we're not looking to use anything illegal, we're trying to clean up everything at the house and we started outside and we have to work our way in so that at least it looks nice for the neighbors, not going to do it the other way around, but we did have the inspector come in and I had him look at it to make sure that it could become legal and he came in and what he told me is what I'd have to do is get new windows because they don't open up wide enough. I needed circuit breakers changed over so we did have an electrician come in and give us prices, but we haven't done any work. But other than that, he said that, you know, he didn't see anything that would make it illegal for me to get to change it over, if I got a variance for it, it has a separate door downstairs, a walkway in.

MR. KRIEGER: All right, now, this unit is contained within the same dwelling?

MS. MILLER: Yes, it is, it's the entire downstairs of the house.

MR. KRIEGER: Okay, does it have a separate entrance?

MS. MILLER: Yes, it does. This is just a rough layout cause I didn't know what we had to do here, I thought

it was going to be another hearing after this.

MR. TORLEY: There will be.

MS. MILLER: This is just a layout, this is the stairs coming down, you go into a bedroom here, from the inside, there's a window right here, this window has to be opened up he told us to make it large enough for someone to fit through and there's two entrances out of every room. This bedroom here has one window and entrance back into the hallway. This bathroom has a window entrance into the living room and then there's windows here that are going to be, if this would happen, we would convert this into a sliding glass door so there'd be better air flow going in right here. Then there's a partial wall here and there's the kitchen here, there's a window in the kitchen and then there's a front door. So that, I mean, they have obviously been using it as living spaces prior because everything, I mean, there's, it's completely converted into a two family. So they met the amount of work that we would take just to gut it, we took out, there was a propane stove, we took anything that needed pipes on the outside of the house, took it out because there's enough stuff on the outside of the house that doesn't look good right now so and the electrician said he can easily run a wire up.

MR. KANE: Is there an interior access from upstairs down?

MS. MILLER: Yes, stairway is going from the hallway upstairs to downstairs and then there's a door that goes into, see, there's another room, this is a room right here and there's a bathroom and a boiler room right here, so I don't know how it works like whether the whole downstairs has to be changed, but the part of the living area that would be used, that she would be using would be this area right here, this bedroom right here we're not even planning to use. I don't know, I imagine what it would be just basically a playroom or whatever for us upstairs. This is all that we're planning for her to use, just needs the one bedroom, bath, little living area and kitchen space.

MR. KRIEGER: Now, this is on the ground floor then you live in the next floor up?

MS. MILLER: Yes, this is a little below ground.

MR. TORLEY: There's interior passage between the two areas of this house?

MS. MILLER: Yes, there is.

MR. TORLEY: You're going to have one meter and one electric meter?

MS. MILLER: There's separate, right now, they were, somebody else had Central Hudson downstairs and they actually they came in because I was worried that I was paying, when I had first moved in, someone was living downstairs, I was worried that I was paying some of their electric and they came in and said that's not the case.

MR. KANE: Is there a way to convert that into one billing with one meter?

MS. MILLER: Upstairs and downstairs, I'm sure I have to have all the electric redone.

MR. NUGENT: What they're trying to tell you, there's no such thing as mother daughter, there's no such thing as two family in a R-4 zone, but if your relatives are living there, it doesn't matter, still your house, it's a one-family house even though your mother-in-law is living downstairs, it's still a one-family house.

MS. MILLER: But there would be a violation to have the kitchen in the house.

MR. KANE: Not necessarily. What you need to do is basically that if you can get it where it's on one electric bill coming in, one gas meter coming in, then history of our board which we don't always go back on but our feeling then that becomes a one family home, you can have three kitchens, it's still one family, one electric bill, one gas bill coming in, if you separate that out, then you're showing that that can be used as

two family, multi-family house.

MR. KRIEGER: What ultimately they're looking for determination criteria is whether they are two separate living areas, put it another way, if you mother-in-law were no longer to live there, could you then turn around and rent the unit out to somebody else without--

MS. MILLER: You couldn't because there's a door between this bedroom and that.

MR. KRIEGER: Well, that's if you can't rent the unit out to somebody else, the argument goes then you don't have two living units and then you can have up to the statute says up to seven unrelated people and by implication and unlimited number of related people.

MS. MILLER: The only way I would be able to rent it out is if we close the whole wall up.

MR. KANE: Not necessarily, it's whomever has the home so somebody can put a lock on the door with two separate billing units as far as electric and gas, they may not be as secure as you.

MR. TORLEY: Make a case that it's not a two-family house, so you want to point out those features that would make it impractical to rent out to establish the case that it's still a one family house.

MR. KRIEGER: What the taxing authorities do and what the building inspector does are two separate things. It's not uncommon for the taxing authorities, the tax assessor to make one determination and for the building inspector to make another determination, vis-a-vis two family. The tax assessor taxes are based on what she sees and interprets. The building inspector bases his decisions vis-a-vis violation or not based on what he sees and looking at the laws as it applies to the existence of two family homes. He's not concerned with how it's attached or is the tax concerned necessarily with how the building inspector sees it. Now, I say necessarily because you may once if you're successful in obtaining an interpretation for the zoning board that says it's a one-family house that may have real

estate tax implications. I can't, because I'm the board's attorney, I can't go farther than that.

MS. MILLER: I understand that. What I'm a little ignorant as far as some of the terms and the only thing I'm not sure about is right now, I have a violation, the violation is the kitchen, this is what I'm told from the building inspector. So, in order to clear the violation and be able to keep the kitchen and to be able to have my mother-in-law down there, the best bet would then be to convert my Central Hudson to one.

MR. KANE: That's correct. What you will do is come back and tell us that's what you're going to do, you're going to convert it to one electric bill, one gas bill coming in as a single family home and you're going to state to us that it's going to be only used for your family, single relative.

MR. TORLEY: You can have more than one kitchen in the house, code doesn't say that you can't have four kitchens.

MR. KANE: It comes down to an interpretation.

MR. TORLEY: When you're taking care of an older parent, essentially, that's an older code than the zoning code.

MR. KANE: That's part of what we'll do, we'll have you here and tell us that that's what you're doing.

MR. KRIEGER: And show the board how it is that it cannot be rendered as a separate unit without change, sure, you could change, you can always change, but if she's gone one day, the next day you can't put an ad in the paper. That's what they're primarily concerned with and of course, as they indicated to you on the record stating that it's only your mother-in-law, your immediate family living there and there's a second cautionary note that I should give you and that's if you're successful in obtaining an interpretation saying it's a one-family house, go ahead, doesn't matter and you should decide later on notwithstanding you or somebody else notwithstanding the reputations that will

be made on the record with respect to not renting it out to, rent it out in the future, should you have, should the owner of the property have a tenant who doesn't pay the rent or becomes difficult in some other way, that owner may have a difficult time persuading a court that they ought to get an eviction.

MS. MILLER: I understand that.

MR. KRIEGER: You may be stuck with a tenant from hell.

MR. TORLEY: Entertain a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move we set up William Schwartz for requested interpretation.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: If you could address yourself to the criteria on that sheet, that would be helpful, because those are the criteria on which the state requires the zoning board to decide.